

Applicants: Marc Feldmann and Ravinder N. Maini
Serial No.: 09/921,937
Filed: August 3, 2001
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Restriction Requirement

In the Office Action, the Examiner restricted pending claims 32-69, under 35 U.S.C. §121, to one of the following eight allegedly distinct inventions:

- I. Claims 32-37, 42-50 and 55-69, drawn to methods of treating TNF-mediated diseases with methotrexate and TNF-specific antibodies;
- II. Claims 32-37 and 51-69, drawn to methods of treating TNF-mediated diseases with methotrexate and p55TNF α receptors;
- III. Claims 32-37 and 51-69, drawn to methods of treating TNF-mediated diseases with methotrexate and p75TNF α receptors;
- IV. Claims 32-39 and 55-69, drawn to methods of treating TNF-mediated diseases with methotrexate and pentoxifylline;
- V. Claims 32-39 and 55-69, drawn to methods of treating TNF-mediated diseases with methotrexate and rolipram;
- VI. Claims 32-37, 40 and 55-69, drawn to methods of treating TNF-mediated diseases with methotrexate and thalidomide;
- VII. Claims 32-37, 40 and 55-69, drawn to methods of treating TNF-mediated diseases with methotrexate and tenidap; and

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VIII. Claims 32-37, 38, 41 and 55-69, drawn to methods of treating TNF-mediated diseases with methotrexate and A2b adenosine receptor agonists and enhancers.

The Examiner also required restriction of the claims under 35 U.S.C. §121 to one of the following four allegedly distinct species:

- A. an autoimmune disease;
- B. an acute or chronic disease;
- C. an inflammatory disease; or
- D. a neurodegenerative disease.

Finally, the Examiner required, under 35 U.S.C. §121, election of a single disclosed disease or disorder from within one of the four allegedly distinct species listed above.

In response, applicants hereby elect with traverse the invention of group I, claims 32-37, 42-50 and 55-69, the species of autoimmune disease and the specific disease or disorder of rheumatoid arthritis for prosecution, in the event no generic claim is held allowable. Rheumatoid arthritis is recited in the specification at, *inter alia*, page 4, lines 30-31, page 5, lines 1-5 and page 8, lines 25-30.

REMARKS

Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement set forth in the August 26, 2003 Office Action. Under 35 U.S.C. §121, restriction may be